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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Mohanasundaram Chinnappan

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EXAMINER

ZURITA, JAMES H

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 09/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/745,978		CHINNAPPAN ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	James H. Zurita		3625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Prosecution History*

The following is presented to clarify the record.

On 22 December 2000, applicant filed the instant application claiming priority to provisional application 60/235945, filed on 26 September 2000. Related applications:

- 09745374, filed 22 December 2000
- 09745980, filed 22 December 2000, issued on 16 March 2004 as US Patent 6,708,161
- 09746120, filed 22 December 2000, now abandoned.
- 11099859, filed 6 April 2005

On 27 June 2002, the application was published on as PB-PUB 20020082932.

On 6 June 2003, the Office issued a first non-final rejection.

- Claims 1-7, 9-16, 18-25, 27-28 were rejected as anticipated by Ebay.com.
- Claims 1-7, 9-16, 18-25, 27-28 were rejected as anticipated by Amazon.com.
- Claims 1-28 were rejected as anticipated by US 6,366,910 to Rajaraman.

On 9 September 2003, applicant amended claim 20.

On 18 November 2003, the Office issued a final rejection:

- Claims 1-7, 9-16, 18-25, 27-28 were rejected as anticipated by Ebay.com.
- Claims 1-7, 9-16, 18-25, 27-28 were rejected as anticipated by Amazon.com.
- Claims 1-28 were rejected as anticipated by US 6,366,910 to Rajaraman.

On 20 January 2004, applicant filed an after-final amendment of claims 1, 9-11, 18-20, 27-28 and requested reconsideration.

On 12 February 2004, the Examiner issued an advisory action.

On 1 March 2004, applicant requested continued examination.

On 22 March 2004, the Office issued a non-final rejection, over the same references as above.

On 22 June 2004, applicant filed a response to the rejection. No claims were amended.

On 8 September 2004, the Office issued a final rejection:

- Claims 1-7, 9-16, 18-25, 27-28 were rejected as anticipated by Ebay.com.
- Claims 1-7, 9-16, 18-25, 27-28 were rejected as anticipated by Amazon.com.
- Claims 1-28 were rejected as anticipated by US 6,366,910 to Rajaraman.

On 20 December 2004, the Examiner issued an advisory action.

On 1 November 2004, applicant filed a notice of appeal.

On 3 January 2005, applicant filed an appeal brief.

On 27 April 2005, the Office reopened prosecution and issued a non-final rejection of claims 1-28 as unpatentable over US 6,460,038 (Khan et al.) and 5,946,665 (Suzuki et al.).

On 8 July 2005, applicant filed a response.

On 30 September 2005, the Office issued a final rejection of claims 1-28, as still unpatentable over Khan (6,460,038) in view of Suzuki (5,946,665).

On 21 November 2005, applicant filed an after-final amendment of claim 1, 5, 11 and 20, and requested reconsideration.

On 27 December 2005, applicant again requested continued examination.

On 23 March 2006, the Examiner issued a non-final rejection as follows:

- claims 1, 3-11, 13-20, 22-28 as unpatentable over Khan (6,460,038)
- claims 2, 12 and 21 as unpatentable over Khan (6,460,038) in view of Notani (US 5,931,900)

### ***Response to Amendment***

Applicant's submission of 12 June 2006 has been entered.

Applicant amended claims 1, 5, 7-11, 16-20, 25-28.

Claims 1-28 are pending and will be examined.

### ***Response to Arguments***

Applicant's arguments filed 12 June 2006 have been fully considered but they are not persuasive.

As per page 11, line 16-page 12, line 2 of applicant's remarks, Objections to claims 1, 11, 20, 7-10, 16-19 and 25-28 are withdrawn in view of amendment.

As per page 12, lines 3-24 of applicant's remarks, rejections under 35 USC 112, first paragraph, of claims 1, 5, 11 and 20 are withdrawn in view of amendment.

On page 17, lines 1-13, Applicant's arguments concerning Suzuki are moot. The Examiner notes that the Office Action of 23 March 2006 did not include Suzuki.

On page 13, line 1-page 28, line 20, applicant purports to traverse the rejection under 35 USC 103(a). Similar and repetitive arguments have been consolidated. The arguments appear to be organized as follows:

item	Location	subtitle
1	Page 13, line 16- page 21, line 3	The Proposed Khan-Official-Notice Combination Fails to Disclose, Teach, or Suggest Various Limitations Recited in Applicants Claims
2	page 21, line 4- page 25, line 17	The Proposed Khan-Official-Notice Combination Fails to Disclose, Teach, or Suggest Various Limitations Recited in Applicants Claims
3.	page 25, line 18- page 26, line 24	The Proposed Khan-Notani Combination Fails to Disclose, Teach, or Suggest Various Limitations Recited in Applicants Dependent Claims 2, 12, and 21.
4	page 26, line 25- page 27, line 14	The Applicants Claims are Patentable over the Proposed Khan-Notani-Official-Notice Combination.
5.	Page 27, line 15- page 28, line 20.	THE LEGAL STANDARD FOR OBVIOUSNESS REJECTIONS UNDER 35 U.S.C. §103:

On page 14, line 20-page 15 line 7, applicant again purports that Khan is not related to electronic commerce. The Examiner again respectfully directs applicant's attention to at least Fig. 10, item 1008, which discloses that a buyer, linked to one of multiple seller databases (e.g., Discovery tours; Lonely Planet, Delta Airlines, etc.), is able to BUY a displayed selection. See **BUY NOW**. Emphasis added. This shows an

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“electronic commerce system for facilitating electronic commerce transaction” as in claim 1. Again, Applicant’s attention is also respectfully directed to at least Col. 13, lines 23-42, concerning **E-COMMERCE**, short for ELECTRONIC-COMMERCE, commercial activity that takes place by means of computers connected through a network.<sup>1</sup> To buy is to acquire possession, ownership, or rights to the use or services of by payment, especially of money.<sup>2</sup>

In the absence of a special definition to the contrary, the term is given its broadest reasonable interpretation. Applicant has not argued or shown that his definitions of **commerce** and **buy** are different from the ordinary meanings of the terms.

On page 15, lines 8-21, applicant argues BUY NOW does not mean **BUY NOW**:

...the “buy now” notification frame disclosed in Khan is merely provided as a notification that a good that a user ordered is in stock. (Column 15, Lines 11-16).

The Examiner respectfully disagrees with applicant’s narrow interpretation of the term **BUY NOW**. The term **NOW** is defined at the present time or moment.<sup>3</sup> Thus, BUY NOW, means to **engage in commerce at the present time**.

On page 15, line 22-page 16, line 31 applicant purports that a bookmark and a URL are not pointers. A pointer is a variable that contains the memory location (address) of some data rather than the data itself.<sup>4</sup> A URL is an address for a resource on the Internet.<sup>5</sup> A bookmark is a marker or an address that identifies a document or a

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<sup>1</sup> Definition of e-commerce, MICROSOFT PRESS Computer Dictionary.

<sup>2</sup> Definition of buy (v.), MERRIAM WEBSTER’S Collegiate Dictionary.

<sup>3</sup> Definition of now, MERRIAM WEBSTER’S Collegiate Dictionary.

<sup>4</sup> Definition of pointer, MICROSOFT PRESS Computer Dictionary.

<sup>5</sup> Definition of URL, MICROSOFT PRESS Computer Dictionary.

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specific place in a document.<sup>6</sup> Bookmarks and URLs are pointers. Further, the terms are used consistent with applicant's disclosures:

...Each **pointer** identifies a seller database (32) in which product data enabling a product transaction is stored for products that are associated with the product class. [Abstract]

On page 17, line 1-page 18, line 16 applicant argues:

... Khan fails to disclose the emphasized limitations noted above in amended independent claim 1. Specifically the Examiner acknowledged that Khan fails to disclose the use of a search interface operable to communicate a search query for product data to one or more seller databases identified by the one or more pointers associated with the selected product class.

The Examiner respectfully notes that applicant distorts the Examiner's comments concerning search interfaces. In fact, the Examiner stated:

...**Khan does not use the term search interface.** An interface is software that enables a program to work with the user (MICROSOFT PRESS Computer Dictionary). Khan discloses querying a system, as in Figs. 4-6, for example. Such searches require the use of an interface, i.e., a **search interface**. [emphasis added]

Khan discloses the user of graphical user interfaces, as shown on Fig. 10. As noted, searches require the use of an interface, i.e., a **search interface**.

On page 18, line 17-page 19, line 4, applicant argues:

... In particular, the Examiner **equates** the "search query for product data" recited in amended independent claim 1 with a query to a user disclosed in Khan. (23 March 2006 Office Action, Page 8).

However, the query of a user disclosed in Khan merely asks a user whether the user would like to be notified of updates from the website and is only provided to a user who has selected that particular interval in operation. (Column 11, Line 50 through Column 12, Line 5). In contrast, the "search query for product data" recited in amended independent claim 1 is provided for "communicating a search query for product data to one or more seller databases" and which are "identified by one or more pointers associated with the selected product class". Thus, the Applicants respectfully submit that the **equations** forming the foundation of the Examiner's comparison between Khan and amended independent claim 1 cannot be made...

Again, applicant distorts the Examiner's comments, copied here:

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<sup>6</sup> RANDOM HOUSE WEBSTERS Computer and Internet Dictionary.

**a selection of a product class received from one of the plurality of buyers: and in response to the selection of the product class received from one of the plurality of buyers (see, for example, at least references to buyer queries, as in Fig. 4, item 402, Fig. 5, item 502, Fig. 6, item 602) communicating a search query for product data to one or more seller databases identified by one or more pointers associated with the selected product class. See, for example, results of queries, as in Fig. 10, cargo pants, special fare).**

Again, please note that the result of a query is displayed in Fig. 10, which shows that cargo pants and special fares are results of search queries for product data to seller databases identified by one or more pointers (URLs for example) associated with the selected product classes (shopping and travel).

On page 19, line 18-page 20, line 10, applicant appears to argue that the examiner's conclusion of obviousness is based upon improper hindsight reasoning. In response, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

On page 21, lines 11-23, Applicant purports to be confused concerning what the Examiner intends to teach by the Officially Noticed fact. In response, the Examiner intends to teach the **fact** that different sellers sell different products and services.



On page 21, line 24-page page 22, line 8, applicant argues that it is appropriate to take Official Notice in limited circumstances. The Examiner agrees, and notes that he has used Official Notice only in limited circumstances. The Examiner also notes that Applicant does not appear to have problems with Official Notice concerning SQL.

Applicant appears to agree that different sellers have different databases for their products and services (e.g., Fig. 4). Yet, Applicant states that he does not instantly and unquestionably recognize that different sellers sell different products and services:

...With respect to the subject Application, *the Examiner's statement [21] that "official notice is taken that different sellers sell different products and services", is not capable of instant and unquestionable demonstration as being well-known or even related to the subject Application. [page 21, line 26-page 22, line 3]*

*Third, as explained above, the Examiner's statement that "different sellers sell different products" is not considered to be common knowledge or well-known in the art or even related to the subject Application. [Page 24, lines 4-6]*

The Applicants respectfully submit that the Office Action provides no **documentary evidence** to support the Official Notice taken by the Examiner, yet the asserted fact "that *different sellers sell different products and services*", is not capable of "**instant** and unquestionable" demonstration as being well-known. [Page 24, lines 19-25]

Applicant's comments are not persuasive, as the Examiner has supported the Official Notice by examples from Khan (a valid US patent).

On page 22, line 28-page 23, line 10, applicant argues (a) that the Official Notice is a conclusory statement. In response, the Examiner respectfully disagrees; the Official Notice is not a conclusory statement. It is a statement of fact [... **different sellers sell different products and services...**] to support the assertion:

...it would have been well within the level of one of ordinary skill in the art at the time the invention was made to combine Khan with knowledge of one of ordinary skill to disclose that each seller database is associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases.

On page 22, lines 9-27, applicant argues that the Officially Noticed fact is being relied solely as the principal evidence upon which a rejection was based (*Zurko*, citation omitted). In response, the Examiner notes that the basis of the rejection is a 35 USC 103 rejection over *Khan*. Contrary to applicant's allegations, the Officially Noticed fact is not being relied solely as the principal evidence upon which a rejection was based. The Examiner also that he has complied with at least the following requirements:

(a) the Examiner has presented applicant with the explicit basis on which the examiner regards the matter as subject to Official Notice (see, for example, page 9 of previous Office Action); and

(b) Applicant has been allowed to challenge the assertion in the next reply after the Office Action in which the common knowledge statement was made. (see applicant's extensive comments concerning Official Notice. Applicant appears to challenge the assertion in his response of 12 June 2006 (e.g., page 21, line to page 25, line 17). The Examiner notes that the response of 12 June 2006 is the next reply after the Official Action in which the common knowledge statement was made.

On Page 23, lines 11-22, applicant states that it is not clear what the Examiner means. In response, the Examiner means that different sellers sell different products and services. See also response to comments found on page 21, line 11-page 25, line 17.

On page 23, line 23-page 24, line 3, applicant argues that he does not understand the examples provided by the Examiner. Khan's examples mean:

*Travelocity* specializes in *travel*.  
Delta *Airlines* specializes in *airline* seats.  
Avis *Car Rental* rents cars.  
*GAP* sells *clothing*, including cargo *pants*.

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On page 26, lines 4-11 applicant purports to traverse the teachings of Notani:

... However, the Examiner asserts that the cited portions of Notani disclose the acknowledged shortcomings in Khan. The Applicants respectfully traverse the Examiner's assertions regarding the subject matter disclosed in Notani.

The Examiner notes that Notani is a **valid** US patent. Applicant has not shown otherwise. Notani discloses the use of a protocol called LDAP. Notani discloses that various levels of name services may be provided via schemes that implement global naming schemes that allow entities to be uniquely defined on a global basis. See, for example, Notani, Col. 14, lines 23-44.

On page 26, lines 12-17, applicant purports to disqualify Notani as prior art:

The Applicants respectfully submit that the subject Application and the Notani U.S. Patent Application Publication were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same entity, i2 Technologies US, Inc. In accordance with 35 U.S.C. § 103(c) and MPEP 706.02(1)(1), Notani is disqualified as prior art, in the subject Application. Thus, the Applicants respectfully submit that claims 2, 12, and 21 are in condition for allowance.

As mentioned above, the rejection under 35 U.S.C. §103(a) is moot in view of Notani being rejected as prior art. Thus, for at least the reasons set forth herein, the Applicants submit that claims 2, 12, and 21 are not anticipated by Notani. The Applicants further submit that claims 2, 12, and 21 are in condition for allowance. Thus, the Applicants respectfully request that the rejection of claims 2, 12, and 21 under 35 U.S.C. § 103(a) be reconsidered and that claims 2, 12, and 21 be allowed.

The Examiner respectfully disagrees. Notani is prior art as 103(a) via 102(b).

Notani was **published** on 3 August 1999, **a full year prior** to the earliest priority date of the instant application.

On page 27, line 15-page 28, line 20, applicant purports to recite legal standard for obviousness rejections under 35 USC 103(a). Applicant's comments appear to be directed at motivation to combine references. In response to these arguments, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the

differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

Notwithstanding the above defects, Applicant requests documentary evidence of the fact that different sellers sell different products and services. Please refer to Fig. 4A of Sobalvarro et al. (US 7092892), filed 1 March 2000, issued 15 August 2006.

#### Conclusion to Response to Arguments

A “traverse” is a denial of an opposing party’s allegations of **fact**.<sup>7</sup>

The Examiner respectfully submits that applicants’ arguments and comments do not appear to traverse what Examiner regards as knowledge that would have been generally available to one of ordinary skill in the art at the time the invention was made.

Even if one were to interpret applicants’ arguments and comments as constituting a traverse, applicants’ arguments and comments do not appear to constitute an adequate traverse because applicant has not specifically pointed out the supposed errors in the examiner’s action, which would include stating why the noticed **fact** is not considered to be common knowledge or well-known in the art. 27 CFR 1.104(d)(2), MPEP 706.07(a).

An **adequate** traverse must contain adequate information or argument to create on its face a ***reasonable doubt*** regarding the circumstances justifying Examiner’s notice of what is well known to one of ordinary skill in the art. *In re Boon*, 439 F.2d 724, 728, 169 USPQ 231, 234 (CCPA1971).

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<sup>7</sup> Definition of Traverse, Black’s Law Dictionary, “In common law pleading, a traverse signifies a denial.”

Applicant has not shown that the Officially Noticed fact is untrue:

***different sellers sell different products and services.***

If applicant does not seasonably traverse the well known statement during examination, then the object of the well known statement is taken to be admitted prior art. In re Chevenard, 139 F.2d 71, 60 USPQ 239 (CCPA 1943). MPEP 2144.03  
Reliance on Common Knowledge in the Art or "Well Known" Prior Art.

In view of applicant's failure to adequately traverse official notice, the following are admitted prior art: different sellers sell different products and services; ***Travelocity*** specializes in ***travel***; Delta ***Airlines*** specializes in ***airline*** seats; Avis ***Car Rental*** rents ***cars***; ***GAP*** sells ***clothing***, including cargo ***pants***.

Examiner cites particular columns and line numbers in the references as applied to the claims for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Claim Rejections - 35 USC § 112***

Claims 1, 5, 11 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 11 and 20 refer to “...**each seller database** associated with a corresponding seller and **distinct** from other seller databases in the **distributed plurality of seller databases...**”

Applicant does not describe what he means by “...**distinct...in the distributed plurality of seller databases...**” For purposes of Examination, the term will be interpreted to refer to physically and logically separate databases, containing a seller’s product information.

Claim 5 appears to be unfinished. It is impossible to know what is being claimed:

5. (Currently amended) The electronic commerce system of Claim 1, further comprising one or more additional directory structures, each directory structure comprising the same classes but organized using [??]

For purposes of Examination, claim 5 will be interpreted to require hierarchical directory structures.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The limitation “...**each seller database** associated with a corresponding seller and distinct from other seller databases in the distributed plurality of seller databases...” of claims 1, 11 and 20 appears to be directed at seller databases such as in Fig. 4, items 30a..n and 32a..n of applicant’s disclosures. For purposes of Examination, the limitation is interpreted as precluding having, at the server, a single database that includes products from multiple vendors.

Claims 1, 3-11, 13-20, 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khan (US 6,460,038).

**As per claim 1**, Khan discloses an electronic commerce system for facilitating an electronic commerce transaction (see, at least Fig. 10, item 1008, **BUY NOW**, Col. 13, lines 23-62), the electronic commerce system comprising:

**a [global, see below] directory** for providing a plurality of buyers (see, for example, references to users (*pl.*) as in Fig. 5, items 512, 514; users (*pl.*) that buy, such as in Fig. 10, are **buyers**);<sup>8</sup>

access (via links) to a distributed plurality of seller databases (see, for Example, at least Fig. 10, plurality of sellers, such as LLBEAN, GAP, DELTA AIRLINES), each seller databases associated with a corresponding seller and distinct from other seller databases in the distributed plurality of seller databases (LLBEAN is a select that is distinct from other sellers such as GAP, DELTA AIRLINES, for example),

the directory comprising:

**a directory structure** comprising a plurality of product classes organized using a hierarchy (see, for example, at least Fig. 10, which discloses product classes such as travel, shopping, finances, etc., organized in a hierarchy)

**one or more pointers** associated with each product class in the plurality of product classes, each pointer identifying the seller databases in the distributed plurality of seller databases in which product data enabling a product transaction is stored for products associated with the product class, (see, for example, a pointer that

is associated with a product SPECIAL FARE, item 1008, Fig. 10) the seller databases identified by the pointer being associated with its corresponding seller (i.e., TRAVELOCITY) and being distinct from the other seller databases in the distributed plurality of seller databases (TRAVELOCITY database is distinct from each of the databases of AVIS, DELTA AIRLINES, LLBEAN, LANDSEND);

**[search, see below] interface(s)** (e.g., user interface, as in Col. 2, line 65-Col. 3, line 37, for example)

operable to communicate a search query for product data to the one or more seller databases (see, for example, references to query[-ing], as in Fig. 4, item 402, Fig. 5, item 502, Fig. 6, item 602),

identified by the one or more pointers associated with the selected product class (See, for example, Fig. 10, item 1010, which shows results of a search query to GAP, which retrieves **cargo pants**; see also Fig. 10, item 1008, which shows results of a search query to TRAVELOCITY, and retrieves information concerning a SPECIAL FARE product),

**a selection** of a product class received from one of the plurality of buyers (e.g., travel class includes different sellers associated with the travel class); and

in response to the selection of the product class received from one of the plurality of buyers (see, for example, at least references to buyer queries, as in Fig. 4, item 402, Fig. 5, item 502, Fig. 6, item 602)

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<sup>8</sup> The Examiner notes that while Fig. 10 is entitled Lorraine's Clickmarks, Khan does not limit his e-commerce system to a single user named Lorraine, but permits access to multiple buyers, as in Col. 9, line 65-Col. 10, line 24)



communicating a search query for product data to one or more seller databases identified by one or more pointers associated with the selected product class (See, for example, results of queries, as in Fig. 10, cargo pants, special fare).

Khan **does not** use the term search interface. An interface is software that enables a program to work with the user (MICROSOFT PRESS Computer Dictionary). Khan discloses querying a system, as in Figs. 4-6, for example. Such searches require the use of an interface, i.e., a **search interface**.

Khan **does not** specifically state "...each seller database associated with a corresponding seller and distinct from other seller databases in the distributed plurality of seller databases..."

As previously noted, without traverse, a database is any aggregation of data; a database is a file composed of records, each containing fields together with a set of operations for searching, sorting, recombining and other functions.<sup>9</sup> For purposes of this examination, the term database will be given its broadest reasonable interpretation as an aggregation of data that may include logical and physical aspects of databases, including tables, files, views, etc.

Kahn discloses that information is retrieved from companies such as DELTA AIRLINES, AVIS, etc., as in Fig. 10. The data from the sellers contain data retrieved from a seller's aggregation of data; they are the equivalent of applicant's seller databases.

As previously noted, different sellers sell different products and services and have associated databases that are distinct from other seller databases where they store

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<sup>9</sup> Definition of Database, MICROSOFT PRESS Computer Dictionary.

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information concerning the products and services they offer for sale. For example, TRAVELOCITY often specializes in travel, DELTA AIRLINES specializes in airline seats, AVIS CAR RENTAL rents cars, GAP often sells clothing, including cargo pants.

Therefore, it would have been well within the level of one of ordinary skill in the art at the time the invention was made to combine Khan with knowledge of one of ordinary skill to disclose that each seller database is associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine Khan with knowledge of one of ordinary skill to disclose that each seller database is associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases for the obvious reason that different sellers may specialize in particular industries and particular products.

**Kahn does not** use the term **global content directory**. However, the labels given to various actors and modules are not functionally related to the substrate of the article of manufacture. The labels themselves carry little or no patentable weight. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply a label to various actors and modules in a system such as **Kahn** because such data does not functionally relate to the substrate of

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the article of manufacture and merely labeling the data differently from that in the prior art would have been obvious. See *Gulack* cited above.

The Examiner notes applicant's disclaimer, paragraph 19, which in part clarifies the use of this label:

[0019]... Since the Internet is accessible to the vast majority of buyers and sellers in the world, the present invention potentially includes all of these buyers and sellers as buyers 20 and sellers 30 of system 10. However, the use of the term "global" should not be interpreted as a geographic limitation necessarily requiring that GCD 42 provide directory services to buyers 20 and sellers 30 around the world or that the content of GCD 42 be from all over the world.

**As per claim 3**, Khan discloses the electronic commerce system of Claim 1, wherein the directory structure is distributed between a plurality of computers. See, for example, at least references to public bookmarks and group bookmarks, as in Fig. 10.

**As per claim 4**, Khan discloses that the directory is coupled to the seller databases using the Internet. See, for example, at least Col. 1, line 25-Col. 2, line 26.

**As per claim 5 (as interpreted)** disclose that additional directory structures are organized using a hierarchy. See, for example, references to Group Bookmarks, Public Bookmarks, Fig. 10.

It would have been well within the skill of one of ordinary skill in the art at the time

**As per claim 6**, Khan **does not** specifically state that a search query comprises a structured query language (SQL) query. Khan discloses that buyers may use GUIs (graphical user interfaces) to access relational databases such as Oracle, Informix and Sybase. Official notice is taken that structured query language (SQL) is a database sublanguage used in querying, updating and managing relational databases.

It would have been well with the skill of one of ordinary skill in the art at the time the invention was made to include in Khan the use of SQL. One of ordinary skill in the art at the time the invention was made would have been motivated to include in Khan the use of SQL for querying relational databases for the obvious reason that SQL is the *de facto* standard for database products.

**As per claim 7**, Khan discloses electronic commerce system of Claim 1, wherein the search query includes one or more attributes of the class selected by the one of the plurality of buyers. See, for example, results of a query, as in Fig. 10; results that are retrieved based on a user's search query.

**As per claim 8**, Kahn discloses electronic commerce system of Claim 1, wherein the search query includes values for one or more desired product features specified by the one of the plurality of buyers. See, for example, at least Fig. 9 and related text, which disclose that a user may be queried as to what sales and marketing information he'd like to receive. See also references to keyword entries, as in Col. 12, lines 24-40.

**As per claim 9**, Kahn discloses electronic commerce system of Claim 1, wherein the search interface is further operable to receive search results from the one or more seller databases (see, for example, Fig. 10, results as in 1008 and 1010) each associated with its corresponding seller and distinct from the other seller databases in the plurality of seller databases in response to the search query, the search results including product data associated with one or more products satisfying the search query, the directory operable to communicate the search results to the one or more buyers. See, for example, product data such as "special fare to NYC \$150" from TRAVELOCITY.

**As per claim 10**, Kahn discloses 10 the electronic commerce system of Claim 9, wherein the electronic commerce system is operable to:

receive a selection from the one or more buyers of a product for which product data is included in the search results (see, for example, Fig. 10, item 1008); and

communicate address information associated with a seller database associated with a seller of the selected product, the seller database including product data for the selected product, the address information enabling the one or more buyers to communicate with the seller associated with the seller database to conduct a commerce transaction relating to the selected product. See, for example, references to hyperlinks to websites on servers, as in programmable bookmarks, Col. 10, line 27-Col. 11, line 28.

Claim 11 is rejected on the same grounds as claim 1.

Claim 13 is rejected on the same grounds as claim 3.

Claim 14 is rejected on the same grounds as claim 4.

Claim 15 is rejected on the same grounds as claim 5.

Claim 16 is rejected on the same grounds as claim 6.

Claim 17 is rejected on the same grounds as claim 7.

Claim 18 is rejected on the same grounds as claim 9.

Claim 19 is rejected on the same grounds as claim 10.

Claim 20 is rejected on the same grounds as claim 1.

Claim 22 is rejected on the same grounds as claim 3.

Claim 23 is rejected on the same grounds as claim 4.

Claim 24 is rejected on the same grounds as claim 5.

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Claim 25 is rejected on the same grounds as claim 6.

Claim 26 is rejected on the same grounds as claim 7.

Claim 27 is rejected on the same grounds as claim 9.

Claim 28 is rejected on the same grounds as claim 10.

**Claims 2, 12, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khan (US 6,460,038) in view of Notani (US 5,931,900).**

**Claim 2 is rejected as unpatentable over Kahn in view of Notani.**

**As per claim 2**, Khan discloses the use of various protocols, as in Col. 7, line 22-Col. 8, line 67. Kahn **does not** specifically disclose that the directory structure comprises a lightweight directory access protocol (LDAP) directory. Khan suggests that significant reduction in design and development can be achieved by use of various protocols.

Notani discloses the use of a protocol called LDAP. Notani discloses that various levels of name services may be provided via schemes that implement global naming schemes that allow entities to be uniquely defined on a global basis. See, for example, Notani, Col. 14, lines 23-44.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Khan and Notani to disclose that the directory structure may comprise an LDAP directory.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine Khan and Notani to disclose that the directory structure may comprise an LDAP directory for the obvious reason that LDAP provides a single tool to

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comb through data to find a particular piece of information, as suggested by Kahn, Col. 7, lines 22-Col. 8, line 67.

Claims 12 and 21 are rejected on the same grounds as claim 2.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**James Zurita**  
**Patent Examiner**  
**Art Unit 3625**  
01 September 2006

*James Zurita*  
*Primary Examiner*